APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,456	08/05/2003	Joe Quint	2360/SPRI.105623	6721

32423 7590 10/16/2006		EXAMINER
SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100		PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	10/634,456	QUINT, JOE
	Examiner	Art Unit	
	HUNG Q. PHAM	2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-18*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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Applicants' arguments with respect to the rejection under 35 U.S.C. § 101 have been fully considered but they are not persuasive.

The claimed limitation *computer-readable media* as defined in the specification, paragraph 0022, comprises "computer-storage media" and "communication media". As defined in paragraph 0024, "communication media" store computer-useable instructions in a modulated data signal. A signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter. Therefore, claim 1 is not statutory (As set forth in § 101, a claimed signal is clearly not a process under § 101 because it is not a series of steps. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine. A claimed signal is not matter, but a form or energy, and therefore is not a composition of matter or product).

Claim Rejections - 35 USC § 102

As argued by applicants at page 8 with respect to claim 1:
> ... *Strangio does not disclose providing a data stream to a printing device to produce cable-label record... No step of providing a data stream is disclosed in Strangio.*

As shown in FIG. 5M, the process of printing is illustrated, the operator is asked to select a print mode, e.g., Label. After the print mode is selected, the selected information is transmitted to the printer (Col. 12, Lines 55-61). The transmission of the selected information indicates *a data stream that is delivered to a printer.*

As argued by applicants at page 9 with respect to claims 1 and 9:
> ... *A cable type information as disclosed by Strangio does not indicate a cable-label record... Strangio does not teach "creating one or more cable-label records to be stored in a storage component...*

Examiner respectfully disagrees.

The claimed limitation *cable-label record* is interpreted as a database record that contains any information relating to a cable, and the information can be used for label printing.

As disclosed by Strangio, a database is created for storing information corresponding to many different cables. The operator may add to the database at any time when new cable types are required (Col. 8, Lines 60-64). The database can be searched for a corresponding cable type. If a match is found, all stored data associated with the match is loaded into a "Match" buffer. The stored data includes the continuity matrix, connector gender and type, a list of devices and applications for which this cable would be used... (Col. 8, Line 66-Col. 9, Line 13). As further disclosed by Strangio, it may be desirable to print a label on an adhesive label (Col. 13, Lines 15-16). Label data is linked with the other cable information that is stored in the database, so that recall of match data will also make available label text associated with the match data (Col. 13, Lines 23-26).

As seen, each cable type in the database that contain continuity matrix, connector gender and type, a list of devices and applications is *a cable record* is created. The cable record could be used for cable printing. Therefore, the database cable type information as disclosed by Strangio indicates *a cable-label record*, which *was previously stored* in the database as *a storage component.*

As argued by applicants at page 9 with respect to claim 15:
> ... *Strangio does not teach "a cable-label record controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device*

Examiner respectfully disagrees.

As further disclosed by Strangio, when match data is loaded from the database, the data may be displayed or printed in various formats. When the operator selects the desired format, this format is stored so that subsequent display operations may correspond to the chosen format (Col. 11, Lines 37-43). To print data, the operator is asked for a print mode, and the selected information is transmitted to the printer (Col. 12, Lines 53-61). This technique performs the claim

limitation *a cable-label records controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device.*

As argued by applicants at page 10 with respect to claim 18:
Strangio does not teach generating a cable-label records record in a structured format from the set of data.

Examiner respectfully disagrees.

As disclosed by Strangio, the database can be searched for a corresponding cable type. If a match is found, all stored data associated with the match is loaded into a "Match" buffer. The stored data includes the continuity matrix, connector gender and type, a list of devices and applications for which this cable would be used... (Col. 8, Line 66-Col. 9, Line 13). When match data is loaded from the database, the data may be displayed or printed in various formats. When the operator selects the desired format, this format is stored so that subsequent display operations may correspond to the chosen format (Col. 11, Lines 37-43). As seen, each cable type in the database that contain continuity matrix, connector gender and type, a list of devices and applications is *a record*. The returned records from *the set of data*, e.g., the database, that match the query can be converted to a-desired format as *a structured format*. The converted record is considered as *cable-label records record*. In short, the technique as discussed performs the claim limitation *generating a cable-label records record in a structured format from the set of data.*

Applicants' arguments with regards to claims 2-5 and 10-14 have been fully considered but they are not persuasive. Claims 2-5 and 10-14 are unpatentable for at least those reasons as discussed above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as disclosed by Strangio, when match data is loaded from the database, the data may be displayed or printed in various formats. When the operator selects the desired format, this format is stored so that subsequent display operations may correspond to the chosen format (Col. 11, Lines 37-43). ASCII file is a conventional text file. This text file is disclosed by Rojas. Strangio strongly suggested that the data can be displayed or printed in various format. Therefore, an ordinary skill in the art is motivated to combine the two references because the combination provide a means of transferring information out of the database of cable information.